

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM AND DANIELLE REESE,
individually, and as parents and next friends of
(N.R.) a minor child,

Plaintiffs,

VS.

Case No. CIV-17-668-F

MOORE PUBLIC SCHOOLS AN
INDEPENDENT SCHOOL DISTRICT,
CLEVELAND COUNTY, OKLAHOMA,

Defendant.

NOTICE OF REMOVAL

To the United States District Court for the Western District of Oklahoma:

COMES NOW the Defendant, Moore Public School District, by and through its attorney of record, Phyllis L. Walta and pursuant to 28 U.S.C. § 1441 seeks to remove to this Court an action pending in Cleveland County Court as follows:

- 1) The Defendant, Moore Public School District, is named in this action brought by the Plaintiff's William and Danielle Reese, styled as WILLIAM AND DANIELLE REESE, individually and as parents and next friends of (N.R.) a minor child, Case No. CJ-2017-674-V (Cleveland County is within the federal judicial district served by this United States District Court pursuant to 28 U.S.C. § 116(a)).
- 2) This Notice of Removal is timely filed under 28 U.S.C. § 1446.
- 3) The Cleveland County District Court Petition is a civil action alleging that Defendants violated the Plaintiff's rights under the federal law known as the Individual with Disabilities Education Act, 20 U.S.C. § 1400 et seq. Specifically,

Plaintiffs' Petition alleges that the Defendant Moore Public Schools deprived the minor child N.R. of a free and appropriate public education as guaranteed by IDEA. The Petition also alleges state negligence claims pursuant to the Oklahoma Governmental Tort Claims Act and claims brought pursuant to an Oklahoma criminal statute.

- 4) Removal of the Cleveland County District Court action to the United States District Court for the Western District of Oklahoma is proper pursuant to 28 U.S.C. § 1441.
- 5) Copies of all process, pleadings and orders served upon this Defendant, as well as a copy of the docket sheet, in the Cleveland County District Court action are attached to this Notice pursuant to LcvR 81.2.
- 6) Pursuant to 28 U.S.C. § 1446(d), Defendant is providing notice of this removal to the Plaintiff and filing a copy of the notice with the clerk of the District Court of Cleveland County.

WHEREFORE, premises considered, Defendant, Moore Public School District, requests that this action stand removed to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

/s/ Phyllis L. Walta

Phyllis L. Walta, OBA #9331

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Attorney for Moore Public School District

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2017 I forwarded the above Notice of Removal to the following counsel of record:

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/s/ Phyllis L. Walta